

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
<hr/>		MDL No. 2419
THIS DOCUMENT RELATES TO:)	Dkt. No 1:13-md-2419 (RWZ)
)	
<i>Sellers v. Ameridose, et al.</i> ,)	
Case No. 1:13-cv-12620)	
)	
<i>Temple v. Ameridose, et al.</i> ,)	
Case No. 1:13-cv-12696)	
)	

**JOINT MOTION FOR ENTRY OF
CONSENT DISMISSAL ORDER**

The Plaintiffs' Steering Committee, Defendants Specialty Surgery Center, P.L.L.C.; Kenneth Lister, M.D.; and Kenneth Lister, M.D., P.C., (collectively "SSC Defendants"), and Calisher & Associates, Inc. ("Calisher & Associates"), (collectively with the SSC Defendants, the "Crossville Healthcare Defendants"), jointly request that the Court enter an order dismissing with prejudice all of the cases listed in the Consent Dismissal Order attached hereto as Exhibit 1 ("the SSC Actions").

Pursuant to the terms of the parties' Settlement Agreement, the Plaintiffs must dismiss all claims against the Crossville Health Care Defendants once they receive full and final payment from the SSC Escrow Settlement Fund. The Plaintiffs in the listed SSC Actions all recently received that final payment. Accordingly, the parties respectfully request that the Court enter the Consent Dismissal Order attached hereto as Exhibit 1.¹

¹ The Consent Dismissal Order follows the same basic procedure used to dismiss the Insight and STOPNC cases following the settlement in those cases. See Docs. 2083 and 3541.

This fully and finally resolves all claims against all Defendants in the cases listed in the Consent Dismissal Order.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

C.J. Gideon, Jr.*

Chris J. Tardio*

Alan S. Bean**

Matthew H. Cline*

315 Deaderick Street, Suite 1100

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (615) 254-0459

chris@gideoncooper.com

Attorneys for the SSC Defendants

/s/Kent E. Krause

PARKS T. CHASTAIN**

KENT E. KRAUSE**

ASHLEY E. GENO**

Attorneys for Defendants, Specialty Surgery Center, PLLC and Kenneth Lister, MD

**BREWER, KRAUSE, BROOKS & CHASTAIN,
PLLC**

P. O. Box 23890

Nashville, TN 37202-3890

(615) 256-8787 (PTC)

(615) 256-8985 (Fax)

pchastain@bkblaw.com

kkrause@bkblaw.com

ageno@bkblaw.com

* Admitted pursuant to MDL Order No. 1.

** Admitted *pro hac vice*.

/s/ John W. Moran

John W. Moran BBO# 664914

LeClairRyan, A Professional Corporation

One International Place, 11th Floor

Boston, MA 02110

Phone: (617) 502-8200

Fax: (617) 502-8262

john.moran@leclairryan.com

Calisher and Associates, Inc.

/s/ Benjamin A. Gastel

J. Gerard Stranch, IV

Benjamin A. Gastel

BRANSTETTER, STRANCH & JENNINGS
PLLC

223 Rosa L. Parks Avenue, Suite 200

Nashville, TN 37203

Telephone: (615) 254-8801

Facsimile: (615) 255-5419

gerards@bsjfirm.com

beng@bsjfirm.com

*Plaintiffs' Steering Committee and Tennessee
State Chair*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 6th day of August, 2018.

/s/ Chris J. Tardio

Chris J. Tardio